

DUFFY & ATKINS LLP
Seven Penn Plaza, Suite 420
New York, New York 10001
Todd E. Duffy (TD 9863)
James E. Atkins (JA 4922)

Attorneys for Debtor Anthony Ceraolo

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

ANTHONY CERAOLO,

Debtor.

Chapter 7

Case No. 07-22197 (ASH)

-----X

**APPELLANT'S DESIGNATION OF ITEMS TO BE INCLUDED IN THE
RECORD ON APPEAL AND STATEMENT OF ISSUES**

Anthony Ceraolo, the debtor in the above-captioned bankruptcy case (the "Debtor"), by and through his attorneys, Duffy & Atkins LLP, pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, hereby designates the following items to be included in the record on appeal from the Order granting the Motion Approving Settlement of the Trustee's Claim signed on July 26, 2007 and entered on the docket on July 31, 2007 as Docket No. 26, and submits the following Appellant's Statement of Issues:

I.

APPELLANT'S STATEMENT OF ISSUES ON APPEAL

1. Did the Bankruptcy Court err in denying the Debtor standing to object to the Chapter 7 Trustee's Application for an Order Approving Settlement of Trustee's Claim where it appears that the Debtor would receive a distribution from the chapter 7 estate if the fraudulent conveyance actions are successful?

2. Did the Bankruptcy Court err in approving a settlement agreement that encompasses a distribution of marital assets notwithstanding the fact that there is a pending divorce proceeding in the New York State Supreme Court which has yet to rule on the divorce or the distribution issues in violation of the N.Y. Dom. Rel. Law?

II.

**APPELLANTS' DESIGNATION OF ITEMS TO BE INCLUDED IN THE
RECORD ON APPEAL¹**

Filing Date	Docket Number	Document
03/22/2007	6	<i>Motion for Relief from Stay /Application for an Order Modifying the Automatic Stay Imposed by Section 362(a) of the Bankruptcy Code to Permit Janet Rivera to Continue Prosecution of a Pending Divorce Action to a Conclusion.</i>
03/27/2007	7	<i>Statement of No Objection to Motion for Relief from Stay by Janet Rivera.</i>
04/04/2007	8	<i>Order signed on 4/4/2007 Granting Motion for Relief from Stay to Permit Janet Rivera to Continue Prosecution of a Pending Divorce Action.</i>
06/15/2007	16	<i>Notice of Hearing to Consider Approval of Settlement of Trustee's Claim.</i>
06/15/2007	17	<i>Motion to Approve /Application for an Order Approving Settlement of Trustee's Claim.</i>
07/20/2007	19	<i>Objection to Motion of the Trustee for an Order Approving Settlement of Trustee's Claim.</i>
07/23/2007	20	<i>Objection to Motion /Application for Order Approving Settlement.</i>
07/24/2007	21	<i>Response of Trustee to limited Objection of Debtor and to the Objection of Creditor Walter Sakow to Trustee's Request for an Order Approving Settlement of Trustee's Claim.</i>
07/24/2007	22	<i>Statement in Support of the Application of Mark S. Tulis ("Trustee") for an Order Approving Settlement of Trustee's Claim.</i>

¹ Each designated item shall also include any exhibits where applicable.

07/31/2007	26	Order signed on 7/26/2007 Granting Motion Approving Settlement of Trustee's Claim.
08/01/2007	28	Transcript of <i>Status Conference Held on 7/25/07</i> filed by TypeWrite Word Processing Service. (Richards, Beverly) (Entered: 08/09/2007)

Respectfully submitted,

Dated: New York, New York
August 10, 2007

DUFFY & ATKINS LLP

By: _____
Todd E. Duffy (TD 9863)
James E. Atkins (JA 4922)
Seven Penn Plaza, Suite 420
New York, New York 10001
Tel: (212) 268-2685
Fax: (212) 500-7972

Attorneys for Debtor Anthony Ceraolo

Certificate of Service

The undersigned hereby certifies that on August 10, 2007, a true and correct copy of the forgoing document was served via regular mail upon the following:

Elliot Schnapp, Esq.
Gordon, Gordon & Schnapp, P.C.
437 Madison Avenue
39th Floor
New York, NY 10022
Telephone: (212) 355-3200

Jeffery A. Reich, Esq.
Reich Reich & Reich, P.C.
175 Main Street
Ste 300
White Plains, NY 10601
Telephone: (914)949-2126

Mark S. Tulis, Esq.
Oxman Tulis Kirkpatrick Whyatt & Geiger
120 Bloomingdale Road
White Plains, NY 10605
Telephone: (914) 422-3900

Todd E. Duffy